

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

Board of Health
January 14, 2020

I. ROLL CALL

The meeting of the Board of Health was called to order at 5:05 PM by James Michael Bowers at the Lincoln-Lancaster County Health Department. Members Present: James Michael Bowers, Dustin Loy, Tom Randa, Jasmine Kingsley, Stacie Bleicher, Stephanie Jarrett, Rick Tast (ex-officio), and Adelle Burk (ex-officio).

Members Absent: Sean Flowerday, Katie Garcia, Jacqueline Miller, and Jenifer Holloway (ex-officio)

Staff Present: Pat Lopez, Christina Hitz, Scott Holmes, Kathy Cook, Tommy George, Justin Daniel, Tim Timmons, Scott Lowry, Jesse Davy, Raju Kakarlapudi, Gwendy Meginnis, Jeff Chambers, Bernice Afuh, and Angel Edwards.

II. APPROVAL OF AGENDA

Mr. Bowers asked if there were any corrections to the Agenda.

Motion: Moved by Mr. Loy to approve the corrections to the agenda as printed. Second by Mr. Randa. Motion carried by a 6-0 roll call vote.

APPROVAL OF MINUTES

Mr. Bowers asked if there were any corrections to the Minutes.

Motion: Moved by Mr. Loy that the December 10, 2019 Minutes be approved as printed. Second by Mr. Randa. Motion carried by a 6-0 roll call vote.

II. PUBLIC SESSION

IV. DEPARTMENT REPORTS

A. Health Director Update

Ms. Lopez reviewed the highlights from the Monthly Report from the Health Department Divisions.

- The Health Department has received a three-year Overdose Grant. This grant will assist in overdose prevention. Year one will include a strategic plan regarding drug use, misuse and overdose prevention. Year's two and three will involve working with community partners including law enforcement and hospital emergency room doctors.
- Flu activity is high this year and responsible for 3 individual deaths in their 60's.
- The City of Lincoln is looking at the use of scooters and the Health Department has been working with the City regarding health and safety precautions.
- The surveillance system and signage around the building has been completed.
- Animal Control has added additional pictures in this month's report that included "Jiffy Cat" and an owl that were both rescued.
- E-Cigarette use is currently at 8.5%. Christina Hitz presented the "Clean Safe Air LNK" commercial to the Board. The City of Lincoln did update the law to ban e-cigarettes in indoor public or work places starting January 1, 2020.

V. CURRENT BUSINESS (Action Items)

A. Lincoln Municipal Code Changes to Cottage Food Operations

Scott Holmes, Environmental Health Division Manager, and Justin Daniel, Environmental Health Supervisor for Disease Prevention informed the Board that following the December Board of Health meeting, staff had held two public meetings to gather feedback from key stakeholders. Information on the meetings was sent to all Farmers Market managers, Farmers Market food vendors, individuals that expressed interest in cottage foods, the Food Advisory Committee and to licensed food establishments owners. The proposed regulations were posted on the LLCHD website and provided upon request. Eight individuals attended the public meetings and staff received several calls. Two of the eight were from the University of Nebraska Cooperative Extension Service. There was generally positive about Lincoln moving forward to allow cottage food operations. Attendees asked questions on several aspects of the proposed regulations, including about inspections, consistency between Cottage Food Operations and Farmers Market vendors, and foods that would be allowed. The proposed regulations were modified in several areas based on this input. For example, one of the issues raised was some inconsistency between requirements for Cottage Food Operations and Farmers Market vendors. Staff worked with the City Attorney's Office to modify the ordinance to ensure such consistency.

Mr. Holmes explained that the ordinance provided in their packets was based on the regulations the Board saw in December. Based on guidance from the City Attorney's Office, staff incorporated the regulations into Lincoln Municipal Code 8.20 Lincoln Food Code. Justin Daniel handed a document titled "Summary of Proposed Changes to LMC 8.20 Lincoln Food Code to Incorporate Cottage Food

Operations” and briefly explained each section that was modified (see attachment A).

Ms. Kingsley asked if “non-time temperature controlled for safety foods” was a new term? Mr. Daniel explained that previously the term used was non-potentially hazardous foods. He explained that this is shelf stable food that has no ability to grow bacteria. Mr. Holmes said that the non-time temperature controlled for safety foods terminology mirrors the State of Nebraska food code. Mr. Loy asked if inspections are going above and beyond and if this is a valid legal concern. Mr. Tast, City Attorney, explained that the City of Lincoln is confident in the legality of the ordinance and the way it is currently written. Mr. Bowers asked about who staff reached out to and how did they get ahold of them. Justin Daniel explained that emails were sent to stakeholders, food establishment owners, Farmers Market vendors, Farmers Market managers and interested members of the public. The proposed regulation changes went to the Food Advisory Committee twice before coming to the Board of Health. Mr. Loy asked about how many permits might be issued. Mr. Daniel responded that there are over 100 attendees at the annual Farmers Markets workshops, but we estimate that not all of them will choose to be permitted as Cottage Foods Operations. Mr. Daniel suggested that perhaps 50 or 60 permits might be issued, but we are not sure.

Board President Bowers then asked if there were any members of the public present who wished to speak on this matter. Mr. Phil Seng, owner of “P.S. Its Gluten Free”, introduced himself and said that he would like to address the Board. Mr. Seng said that he is a registered with The State of Nebraska to sell food directly to the public but has been told that he cannot sell food in the City of Lincoln. Mr. Seng was concerned that the local regulations do not allow delivery, but LB304 mentions three times that delivery is allowed. He thinks the local ordinance needs to specifically allow delivery. Mr. Holmes mentioned that there was no intent to restrict delivery but felt that the definition of Cottage Food Operation would allow delivery. Mr. Holmes said that Health staff would review this with the City Attorney’s Office. Mr. Seng again said that Cottage Food Operators should be able to deliver their foods from home to customers. Mr. Seng would like the issue of delivery and shipping addressed in the code changes. Mr. Seng mentioned that the Nebraska Department of Agriculture web site lists all Cottage Food Vendors, there are currently a total of eleven in Lincoln. The Lincoln Municipal Code changes will dictate permits, fees and registrations that may not be applicable to vendors outside of City limits.

Mr. Bowers indicated that Mr. Seng had one more minute to complete his comments. Mr. Seng replied that he did not know there was a time limit.

Mr. Seng then mentioned that he wanted clarification on the following: fees, late fees, the list of foods referenced in Farmers Market guidelines, and if inspections were going to be required prior to being permitted. He expressed concern that Lincoln vendors will be at a competitive disadvantage with vendors from other parts of Nebraska.

Staff were asked to follow up with Mr. Seng.

Mr. Daniel read the staff recommendation that was on the cover memo, “Staff recommends that the Board of Health approve the proposed changes to LMC 8.20 Lincoln Food Code to allow the regulations of Cottage Food Operations and take to the City Council.”

Motion: Ms. Kingsley made a motion that the Board approve the changes to LMC 8.20. The motion was seconded by Ms. Jarrett. Motion carried 6-0 by a roll call vote.

VI. CURRENT BUSINESS (Information Item)

A. Testing Community Health Survey & Sampling Methodology

Jesse Davy, the Accreditation Coordinator, and Raju Kakarlapudi, Public Health Epidemiologist, presented information about the Community Health Assessment that is being done this year. The department is introducing enhancements this cycle by creating processes to update the Community Health Status Assessment as often as new data is available. We are also introducing a Community Survey to find out what is important to residents in the community.

B. Minority Health Initiatives Update

Mr. Randa stated that the grant is currently pending and that staff hours have already had to be cut. Local minority health groups have been meeting with the Mayor and have scheduled an upcoming meeting at the Health Department with The County Commissioner, City Council, The Mayor’s Office and Danette Smith, CEO of Department of HHS, to follow up. With the Mayor’s support they will be looking to legislative means.

C. Legislative Update

Adelle Burke is the legislative lead at the Mayor’s office. Senator Vargas is sponsoring a bill to request \$6.5 million dollars to put towards the local health care infrastructure across the state. Senator Vargas will also be working on the Food Truck Bill. An E-Cigarette Bill is also being introduced this year.

D. New Board of Health Members Orientation

“Public Health 101” is a small 25-minute video that outlines the six functions for a Board of Health. They are as follows:

- Effectiveness of The Board (support of policy)
- Resource Stewardship (budget and financing)
- Legal Authority (code changes)
- Partner Engagement (community interaction)
- Continuous Improvement (community health status)
- Oversight (personal engagement & a trusting relationship)

Jesse Davy handed out clickers to Board Members to participate in a quick survey regarding these six functions. This data is used to improve regulation and prioritize planning. The roles and responsibilities of the Board of Health are outlined in the “10 Domains” that will be sent out electronically to all Board Members to follow up on in the February meeting. Ms. Lopez will also be sending out a list of opportunities for Board Members to interact with Health Department employees.

VII. FUTURE BUSINESS

VIII. ANNOUNCEMENTS

Next Meeting – February 11, 2020 at 5:00 PM.

IX. ADJOURNMENT

Motion: Moved by Mr. Loy that the meeting adjourn. Second by Mr. Randa. Motion carried by a 6-0 roll call vote. The meeting was adjourned at 6:30 PM.

Angel Edwards
Recording Secretary

Katie Garcia, DDS
Vice President